

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

CATHERINE GRIFFIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 21-cv-00075
	)	
WALMART INC., a foreign corporation,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

NOW COMES **Defendant, WALMART INC.**, by and through its attorneys James P. Balog and Ariel T. Flood, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, removes this action to the United States District Court for the Northern District of Illinois, and in support thereof, states as follows:

**PLEADINGS AND BACKGROUND**

1. The movant's Notice of Removal is based upon subject matter jurisdiction conferred by diversity of citizenship, as established in 28 U.S.C. § 1332.
2. This matter arises out of an incident which occurred on December 29, 2018 at the Walmart Store located at 10260 S. Harlem Avenue, Bridgeview, Illinois. Plaintiff filed a Complaint in the Circuit Court of Cook County, Municipal Division, styled CATHERINE GRIFFIN V. WALMART INC., a foreign corporation, bearing Case No. 2020 M5 004904. (*See* Exhibit A, Plaintiff's Complaint at Law).
3. Defendant first received Plaintiff's Complaint when it was served with process on November 23, 2020. (*See* Exhibit B, Service of Process).
4. In response to the Complaint, Defendant filed its Appearance and Jury Demand on December 10, 2020. (*See* Exhibit C, Defendant's Appearance and Jury Demand).

BASIS FOR DIVERSITY

1. Both at the time of the commencement of the State Court action and at the present time, Defendant Walmart Inc. is a Delaware Corporation and its executive headquarters are located in Bentonville, Arkansas. (*See* Exhibit D, Arkansas Secretary of State Business Information Search for Walmart Inc.).
2. A corporation has a single principal place of business where its executive headquarters are located. *Metropolitan Life Ins. Co. v. Estate of Cammon*, 929 F.2d 1220, 1223 (7th Cir. 1991). Therefore, at all pertinent times, Defendant was a citizen of Arkansas and Delaware.
3. Based on medical records provided pre-suit by Plaintiff's counsel, at all times relevant, Plaintiff was and remains a citizen of Illinois. (*See* Exhibit E, Plaintiff's Disclosed Medical Records).
4. Plaintiff's Complaint states that damages sought in this matter exceeds \$50,000. (*See* Exhibit A).
5. On December 10, 2020, Plaintiff's counsel stated to Defense counsel via email that Plaintiff recently underwent hip replacement surgery. Notably, as a result of his client's surgery, counsel for Plaintiff indicated damages will "exceed \$75,000." (*See* Exhibit F, December 10, 2020 E-mail from Plaintiff's Counsel).
6. With the first notice that the claimed amount in controversy exceeded \$75,000 and that Plaintiff is a citizen of Illinois (thereby fulfilling diversity requirements) occurring on or about December 10, 2020, this Notice was filed within thirty (30) days of "receipt by the defendant[s], through service or otherwise, of a copy of an amended pleading, motion, order, or other paper from which it may be first ascertained that the case is one which is or has become removable." 28 U.S.C. § 1446(b)(3).

7. As required by 28 U.S.C. § 1446(d), the movant will promptly serve upon Plaintiff's counsel, and file with the Circuit Court of Cook County, a true and correct copy of this Notice.
8. By removing this action, Defendant does not waive any defenses available to it.
9. If any question arises as to the propriety of the removal of this action, the movants requests the opportunity to present a brief and oral argument in support of its position that this case is removable.
10. This Notice is signed and in compliance with Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant WALMART INC., prays that this Honorable Court retain jurisdiction of the matter pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

Dated: January 6, 2021

Respectfully submitted,

O'HAGAN MEYER LLC

By:

s/Ariel T. Flood

One of the Attorneys for Defendant  
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